IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3505 OF 2005

Bhagubai Yeshwant Patil & Ors. ..Petitioners.

Versus

Dattu Limbaji Kerle ..Respondent.

Mr.Sandesh D. Patil for the Petitioners.

Shri G.S. Godbole for the Respondent.

CORAM : S. A. BOBDE, J .

DATED : 01ST JULY, 2005.

P.C.:

. Rule. Rule made returnable forthwith. Shri Godbole waives notice for Respondent. Heard by consent.

. This writ petition challenges the order of 3rd Additional District Judge, Kolhapur, refusing to condone the delay of about 78 days. Having regard, to the circumstances of the case and having heard the learned counsel for the for the petitioners, it

appears that the court has refused to condone the delay mainly because certain details were not given. I am of the view that since the order results in a denial of an appeal, the delay is liable to be condoned subject to payment of cost in the sum of Rs. 1000/- to the respondents. The Appeal may be decided as expeditiously as possible.

. The petition is disposed of in the above terms.

01.07.2005 (S.A.BOBDE,J.)

.....